

*Changes to legislation: There are currently no known outstanding effects for the Social Security (Scotland) Act 2018, PART 1. (See end of Document for details)*

## SCHEDULE 8 FUNERAL EXPENSE ASSISTANCE REGULATIONS

### PART 1

#### ELIGIBILITY

##### CHAPTER 1

###### ELIGIBILITY IS TO DEPEND ON BEING RESPONSIBLE FOR FUNERAL EXPENSES

- 1 (1) The regulations must be framed so that an individual's eligibility for funeral expense assistance depends on the individual having met, or being responsible for meeting, the expenses of a funeral.
- (2) The regulations are to define “funeral” for the purpose of determining entitlement to funeral expense assistance.

###### Commencement Information

**I1** Sch. 8 para. 1 in force at 11.9.2019 by S.S.I. 2019/269, reg. 2(c)

##### CHAPTER 2

#### FURTHER CRITERIA

###### *Location of the funeral*

- 2 The regulations may make an individual's eligibility depend on where the funeral takes place.

###### Commencement Information

**I2** Sch. 8 para. 2 in force at 11.9.2019 by S.S.I. 2019/269, reg. 2(c)

###### *Relationship with the deceased*

- 3 The regulations may make an individual's eligibility depend on the individual—
  - (a) being related to the deceased person, or
  - (b) having a relationship of a kind described in the regulations with the deceased person immediately before the death.

###### Commencement Information

**I3** Sch. 8 para. 3 in force at 11.9.2019 by S.S.I. 2019/269, reg. 2(c)

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*Value of deceased's estate*

- 4 The regulations may make an individual's eligibility depend on the value of the deceased person's estate being below a level specified in the regulations.

**Commencement Information**

**I4** Sch. 8 para. 4 in force at 11.9.2019 by S.S.I. 2019/269, reg. 2(c)

*Residence and presence*

- 5 The regulations may make an individual's eligibility depend on either or both—
- (a) the individual being resident and present in a particular place,
  - (b) the deceased person having been resident and present in a particular place at the date of death.

**Commencement Information**

**I5** Sch. 8 para. 5 in force at 11.9.2019 by S.S.I. 2019/269, reg. 2(c)

*Financial circumstances*

- 6 The regulations may make an individual's eligibility depend on the individual's financial circumstances.

**Commencement Information**

**I6** Sch. 8 para. 6 in force at 11.9.2019 by S.S.I. 2019/269, reg. 2(c)

*Receipt of, or eligibility for, other types of State assistance*

- 7 The regulations may make an individual's eligibility depend on either or both the individual and, immediately before dying, the deceased person—
- (a) being, or not being, in receipt of another type of assistance (whether under this Act or another enactment),
  - (b) being, or not being, eligible or entitled to receive such assistance.

**Commencement Information**

**I7** Sch. 8 para. 7 in force at 11.9.2019 by S.S.I. 2019/269, reg. 2(c)

*Application within specified period*

- 8 The regulations may provide that an individual ceases to be eligible in respect of a funeral unless, by a deadline specified in the regulations—
- (a) the individual has applied for funeral expense assistance in respect of the funeral, or

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- (b) the Scottish Ministers have become required to make a determination of the individual's entitlement to funeral expense assistance in respect of the funeral by regulations under section 52.

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**Commencement Information**

**18** Sch. 8 para. 8 in force at 11.9.2019 by S.S.I. 2019/269, reg. 2(c)

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